

Appl. No.: 10/004,815
Amdt. dated 12/30/2005
Reply to Office action of 10/04/2005

REMARKS

This amendment is submitted in reply to the Office Action dated October 4, 2005. Claims 1, 6-8, 11, 12, 14-17 and 20-25 currently stand rejected. Claims 2-5, 9, 10 and 18 were previously canceled. Applicant gratefully acknowledges the Examiner's indication that claims 13, 19 and 26 are allowed. Applicant has amended independent claims 1, 14, 16 and 20-25 to more particularly distinguish the claimed invention from the cited references. No new matter has been added by the amendment.

It is noted that an initialed copy of the PTO Form 1449 that was submitted with Applicant's Information Disclosure Statement filed December 7, 2001 has not been returned to Applicant's representative with any previously received Office Action. Accordingly, it is requested that an initialed copy of the Form 1449 be forwarded to the undersigned with the next communication from the PTO. In order to facilitate review of the references by the Examiner, a copy of the Information Disclosure Statement and the Form 1449 are attached hereto. Copies of the cited references were provided at the time of filing the original Information Disclosure Statement, and, therefore, no additional copies of the references are submitted herewith. Applicants will be pleased to provide additional copies of the references upon the Examiner's request if it proves difficult to locate the original references.

In light of the amendment and the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

Claim Rejections - 35 USC §102

Claim 12 currently stands rejected under 35 U.S.C. §102(b) as being anticipated by Iggulden et al. (U.S. Patent No. 5,579,002, hereinafter "Iggulden"). Applicant respectfully traverses.

Claim 12 recites, *inter alia*, the keys are changeable to provide a sensory indication of the keys available to make the communication unit perform an action by pressing the changeable key. For example, a level of the key may be changed to indicate that the key can perform a particular action.

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The Office Action asserts that Iggulden discloses the feature recited above at Figure 7 and col. 6 of Iggulden. Applicant respectfully disagrees. Iggulden discloses that the identification of each individual key (110) is communicated by the particular positions of switch probes (120) (col. 6, lines 60-62). As shown in Figure 7 and described in Iggulden, the switch probes (120) are either extended or omitted to provide identification of each of the individual keys (110) (col. 6, lines 62-67). However, as seen in Figures 5, 6, 8 and 9, the switch probes (120) are inwardly extended from the individual keys (110) and thus, fail to provide **any sensory indication**. Rather, the identity of each of the individual keys is only communicated within the device, and there is no teaching of **any sensory indication** of the keys. Thus, Iggulden fails to teach or suggest that the keys are changeable to provide a sensory indication of the keys available to make the communication unit perform an action by pressing the changeable key as claimed in claim 12.

Accordingly, claim 12 is novel and non-obvious in view of Iggulden. Thus, Applicant respectfully submits that the rejection of claim 12 is overcome.

Claim Rejections - 35 USC §103

Claims 1, 14, 16, 20, 21, 24 and 25 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Venturini (U.S. Patent No. 5,987,317). Claims 6-8, 15 and 17 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Venturini in view of Nomura et al. (U.S. 6,700,508, hereinafter "Nomura"). Claims 11, 22 and 23 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Venturini in view of Freeman et al. (U.S. 5,931,764, hereinafter "Freeman").

Independent claims 1 and 20-25 have been amended to recite, *inter alia*, the intra-changeable elements being defined by having a physical characteristic that is changeable responsive to digital control. Independent claims 14 and 16 similarly recite changeable elements having a physical characteristic change responsive to an electric control signal.

Venturini is directed to a radiotelephone having keys (22b1 and 22b2) which are used to request retrieval of messages stored in a voice mailbox. The Office Action cites the keys (22b1 and 22b2) as being intra-changeable elements. However, Venturini fails to teach or suggest any

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change other than that a function associated with the keys (22b1 and 22b2) is changed in response to a digital control signal and not a physical property of the keys as claimed in the claimed invention. Specifically, the "listen" and "quit" keys cited by the Office Action are only indicative of functions associated with the keys and, the cited features, in particular, and all of Venturini, in general, fail to meet the claimed feature. Accordingly Venturini fails to teach or suggest that the intra-changeable elements being defined by having a physical characteristic that is changeable responsive to control by digital control as claimed in the claimed invention. Nomura and Freeman also fail to teach or suggest that the intra-changeable elements being defined by having a physical characteristic that is changeable responsive to control by digital control and are not cited as such.

Since none of the cited references alone teach or suggest that the intra-changeable elements being defined by having a physical characteristic that is changeable responsive to control by digital control as claimed in independent claims 1, 14, 16 and 20-25, any combination of the cited references likewise fails to render independent claims 1, 14, 16 and 20-25 obvious for at least the same reasons described above. Claims 6-8, 11, 15 and 17 depend either directly or indirectly from corresponding ones of independent claims 1, 14 and 16, and thus include all the recitations of their corresponding independent claims. Therefore, dependent claims 6-8, 11, 15 and 17 are patentable for at least those reasons given above for independent claims 1, 14 and 16.

Accordingly, Applicant respectfully submits that the rejections of claims 1, 6-8, 11, 14-17 and 20-25 are overcome.

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CONCLUSION

In view of the amendment and remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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Date